In an Office Action mailed July 28, 2011, claims 24 and 25 were rejected under 35 U.S.C. § 101; claims 8-15 were rejected under 35 U.S.C. § 112, second paragraph; claims 8-10 and 24 were rejected under 35 U.S.C. § 102(a) as being anticipated by Rhea; claims 1-3, 6, 7, 26 and 27 were rejected under 35 U.S.C. § 103(a) as unpatentable over Rhea in view of Prinkey; claims 4 and 5 were rejected under 35 U.S.C. § 103(a) as unpatentable over Rhea in view of Prinkey and Dutta; claims 11-14 and 16-19 were rejected under 35 U.S.C. § 103(a) as unpatentable over Rhea in view of Prinkey; claims 15 and 25 were rejected under 35 U.S.C. § 103(a) as unpatentable over Rhea in view of Dutta; and claim 20 was rejected under 35 U.S.C. § 103(a) as unpatentable over Rhea in view of Prinkey and Dutta.

Claim 24 has been amended to recite at least one central processing unit; and for at least this reason, the § 101 rejections of claims 24 and 25 have been overcome.

Regarding the § 112, second paragraph rejections of claims 8-15, as noted by the Office Action, these claims fail to recite the phrase "means for" or the phrase "step for." M.P.E.P. § 2181 sets forth a three-prong analysis for purposes of determining whether a claim limitation invokes 35 U.S.C. § 112, sixth paragraph: (A) the claim limitations must use the phrase "means for" or "step for;" (B) the "means for" or "step for" must be modified by functional language; and (C) the phrase "means for" or "step for" must not be modified by sufficient structure, material, or acts for achieving the specified function. As explicitly recited in § 2181: "if a claim limitation does not use the phrase 'means for' or 'step for,' that is, the first prong of the 3-prong analysis is not met, the examiner will not treat such a claim limitation under 35 U.S.C. 112, sixth paragraph." M.P.E.P. § 2181. Contrary to this three-prong analysis, the Office Action improperly concludes that the "processing unit" language of claim 15 invokes § 112, sixth paragraph. However, applying the above-recited three-prong test, it is clear that a proper basis for the § 112, second paragraph rejections does not exist, for at least the reason that the claim language fails to recite "means for" or "step for" language, i.e., for at least the reason that the first prong of the test that is set forth in M.P.E.P. § 2181 is not satisfied.

Moreover, even assuming, for purposes of argument, that the processing unit of claim 8 is a means-plus-function element, the specification describes the corresponding

structure for this element. For example, *see, for example*, the CPU 702 of Fig. 7 and the corresponding structure in, for example, para. no. [0069] of the specification. As such, the specification discloses corresponding structure and for at least this additional, independent reason, the § 112, second paragraph rejections of claims 8-15 are overcome.

In order to anticipate a claim under 35 U.S.C. § 102, a single reference must teach each and every element of the claim. *Verdegaal Bros.* v. *Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). In fact, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson* v. *Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). Furthermore, in order for a reference to be anticipatory, "[its] elements must be arranged as required by the claim." *In re Bond*, 910 F.2d 831 (Fed. Cir. 1990), *cited in* M.P.E.P. § 2131.

Regarding the § 102 rejection of claim 8, as amended, the system of claim 8 recites that a processing unit, which is arranged to, for a given node of the plurality of nodes, evaluate other nodes of the plurality of nodes that are connected to the given node based on Bloom-filters and incentive-based criteria to select one or more of the other nodes to propagate a search expression. As now amended, claim 8 recites that the incentive-based criteria includes one or more of a connection bandwidth and a reliability.

Contrary to the limitations of amended independent claim 8, Rhea states, "as before, if a match is found, the query is forwarded to the matching neighbor of the lowest latency." Rhea, Section C, p. 1250. Rhea fails to, however, disclose selecting a node to propagate a search expression based at least in part on an incentive-based criteria that includes one or more of a network connection and a reliability. Therefore, for at least this reason, claim 8 overcomes the § 102 rejection in view of Rhea.

For similar reasons, claim 24 overcomes the § 102 rejection, in that Rhea fails to disclose a central processing unit adapted to, for a given node of the plurality of nodes, evaluate other nodes of the plurality of nodes that connected to the given node based on Bloom-filters and incentive-based criteria to select one or more of the other nodes to propagate a search expression wherein the incentive-based criteria includes one or more of a connection bandwidth and a reliability.

To make a determination under 35 U.S.C. § 103, several basic factual inquiries must be performed, including determining the scope and content of the prior art, and ascertaining the differences between the prior art and the claims at issue. *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 U.S.P.Q. 459 (1965). Moreover, as the U.S. Supreme Court held, it is important to identify a reason that would have prompted a person of ordinary skill in the art to combine reference teachings in the manner that the claimed invention does. *KSR International Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1741, 82 U.S.P.Q.2d 1385 (2007).

Regarding the § 103 rejection of independent claim 1, this claim recites, for a given node of the plurality of nodes, evaluating other nodes of the plurality of nodes that are connected to the given node based on Bloom-filters and incentive-based criteria to select one or more of the other nodes to propagate a search expression. As now amended, claim 1 recites that the incentive-based criteria includes one or more of a connection bandwidth and a reliability.

Claim 1 overcomes the § 103 rejections for at least the reason that neither Rhea nor Prinkey disclose or render obvious selecting a node to propagate a search expression based on an incentive-based criteria, which include one or more of a connection bandwidth and a reliability. In this manner, Rhea merely discloses, "as before, if a match is found, the query is forwarded to the matching neighbor of lowest latency." Rhea, Section C, p. 1250. However, the hypothetical combination of references fails to disclose or render obvious the selection criteria, which is now expressed in claim 1. As such, independent claim 1 overcomes the § 103 rejection.

For similar reasons, independent claim 16 overcomes the § 103 rejection in view of Rhea and Prinkey, as neither reference fails to disclose or render obvious selecting nodes to propagate a search expression that is associated with a query based on incentive-based criteria, which include one or more of a connection bandwidth and a reliability. Moreover, Rhea merely discloses forwarding a query to a matching <u>neighbor</u> closest to the current node and network latency. Neither Rhea nor Prinkey disclose or render obvious selecting node<u>s</u> to propagate a search expression associated with a query based on incentive-based criteria and one or more Bloom filters (emphasis added).
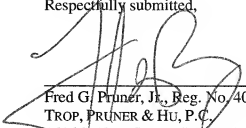
Dependent claims 2-7, 9-15, 17-20 and 25 are patentable for at least the same reasons as the claims from which they depend.

CONCLUSION

In view of the foregoing, Applicant respectfully requests withdrawal of the §§ 101, 102, 103 and 112 rejections and a favorable action in the form of a Notice of Allowance. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 08-2025, under Order No. 82099352.

Respectfully submitted,

Date: October 25, 2011

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